

THE U.S. DISTRICT COURT  
FOR THE DISTRICT OF EL PASO,  
WESTERN DISTRICT

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CLERK OF DISTRICT COURT  
EL PASO, TEXAS

Juan Reyes JR.  
Plaintiff,

vs.

Sheriff's Department  
In his individual and official capacities  
Being Sued as a "Person"

City of El Paso being Sued as a "Person"

Jesus J. Banuelos badge # 3165  
Being sued in Official and Individual  
Capacity

Rene O. Alderete Badge # 3698  
Being Sued in Official and Individual  
Capacity

Corporal Adalberto Garcia  
Being Sued in his Individual Capacity

Det. Rebecca Mietinski badge#1119  
Being sued in Official and Individual  
Capacities

Victor M. Anchieta  
Being Sued in his Official and Individual  
Capacity

Defendants,

CASE NO.

JUDGE:

COMPLAINT FOR DEPRIVATION OF  
RIGHTS UNDER 42 U.S.C. §1983, ET SEQ.;  
CIVIL RIGHTS ACT

&  
TEXAS TORTS CLAIMS ACT

&  
18 USC § 1961, 1962, & 1964(a)

18 USC § 1621, & 1622

18 USC § 241 & 242

5 USC § 552

18 USC § 4, 641 & 1001

TRIAL BY A FULLY INFORMED  
JURY OF Juan Reyes Jr.'s PEERS  
DEMANDED

## INTRODUCTION & OPENING STATEMENT

This is an action brought by Plaintiff hereinafter "Juan", sui juris Juan Reyes Jr. This is an action brought by Plaintiff against State Officials, in their respective roles and in their individual capacities and their Corporation of political subdivision being Liable for wrong doing and violation of Constitutional Rights and Numerous Torts covered by TTCA ,Haines v. Kerner, 404 U.S. 519-20, 1972 & Gilmere v. City of Atlanta, 737 F.2d 894 (11th Cir. 1984). A pro se litigant should be given a reasonable Opportunity to Redress his Grievance for, Those who, while acting under the color of law, did willfully and with intent deter, suppress, or otherwise breach some rights of Plaintiff guaranteed and protected by the Federal & State Constitution, particularly the 1<sup>st</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments and acted Tortious Toward and Directed toward Plaintiff Causing Further Injury and harm to Plaintiff and as so Justice Requires .. Defendant(s) being the Approximate cause of Injury to Plaintiff.

### I. JURISDICTION and VENUE

1. This action arises under 42 U.S.C. §1983 (Civil Action for Deprivation of Rights), 1985, 1986, and 1988. The jurisdiction of this court is founded on federal question jurisdiction, 28 U.S.C. §1331, this court also has original jurisdiction pursuant to 28 U.S.C. §1343.

2. Venue is proper because all events giving rise to Plaintiffs' causes of action occurred within this district, as provided in 28 U.S.C. § 1391(b)(2) and Pursuant to the TTCA ,Texas Torts Claims Act

Which addresses the Tortious Conducts of Defendant(s).

## II. PARTIES

4. Plaintiff, Juan Reyes Jr., herein after "Juan", at all times relevant herein, was Born & domiciled in the city of Harford City, Texas.

5. Plaintiff is informed and believes that defendant hereinafter "Jesus" is some level of jail detention Officer

Jesus J. Banuelos badge # 3165 is being sued in his Official and Individual

Capacities and, as such, was at all times relevant to this action, acting while an employed, compensated, enriched and rewarded employee for the County El Paso, a municipal corporation of the State of Texas, responsible for

Compensating, enriching, rewarding, and making for Defendants Detention Officers.

Plaintiff is informed and believes that defendant hereinafter "El Paso" is some level of is a political subdivision organized and existing under the laws of the State of Texas is being sued as a "Person"

5. Plaintiff is informed and believes that defendant Corporal Adalberto Garcia, hereinafter "Adalberto" Corporal Adalberto Garcia is being sued in his individual Capacity<sup>1</sup>.

Plaintiff is informed and believes that defendant Det. Rebecca Mietinski badge#1119, hereinafter "Rebecca" Det. Rebecca Mietinski badge#1119 is being sued in her Official & Individual Capacity.

Plaintiff is informed and believes that defendant, hereinafter "Rene" Rene O. Alderete Badge # 3698 is being sued in his Official & Individual Capacity.

Sheriff's Department as a Administration existing under the Laws of Texas is Municipal subdivision In his individual and official capacity Being Sued as a "Person"

<sup>1</sup> An official capacity suit is, in all respects other than *name*, to be treated as a suit against the entity for which the officer is an agent. *Kentucky v. Graham*, 473 U.S. 159, 166 (1985)

**GENERAL FACTUAL ALLEGATIONS**

Plaintiff was arrested for Shoplifting on 01-16-2013, and was Transported Downtown Detention Center of the Sheriff's Department 601 E. Overland, El Paso , Tx 79938 and was Booked SOS Book # 954345 through March 16 2013 in County Jail of El Paso in Sheriff's Department , while being in their Custody, Plaintiff was Placed in Cell Box 10wa Ward

Medical Floor

Plaintiff was feeling ill and asked Corporal Adalberto Garcia who was at that time Employed with the Sheriff's Department as Detention Officer Staff and Plaintiff sent for medical assistance which never Arrived, CPL Adalberto Garcia Showed Blatant Negligence in assisting Plaintiff for Medical Condition, Plaintiff advised CLP Mr. Garcia that He was feeling Numb in his Face and Tongue disabling his Ability to Feed Himself, where Corporal Mr. Garcia responded In a angry and indifferent Tone saying " There is nothing Wrong with you, You Just want attention!" , Plaintiff was walking toward Mr. Garcia and advising him that Plaintiff Needed Medical Attention saying " I need Help I can't feel my Face, Please Help I need Medical Attention I am biting my Tongue" and Corporal Adalberto Garcia responded " No you don't you just want attention and there nothing wrong with you" walking backward mocking Plaintiff at his Statements, when the medical Staff came to give the imates the Pill , Plaintiff Advised the Staff that his Face was Numb and he need Medical Attention immediately, Medical advised Plaintiff to file a sick call, but Plaintiff had already Filed two Sick Calls and Corporal Adlberto Garcia picked up and Denied , Plaintiff Knows because Medical Staff Never Arrived

1 or called in to the Staff in Medical Department to be Analyzed or Assisted, After approximately  
2 on or about during lunch Hour that being 12:00 PM , Plaintiff asked Adalberto Garica for a  
3 grievance and a sick call, Mr. Garcia Responded “ Who is the Grievance for ?” Plaintiff  
4 Responded “Its Personal “ and He Responded “ Yea Ill back “ and Never Returned with such  
5 Items, On or about an Hour when the CLP Mr.Gracia Came in, Plaintiff again Asked for a  
6 Grievance and a Sick Call, and The Clp Mr. Garcia Responded “ I forgot it and I am very busy”  
7 and Plaintiff continue to ask for assistance saying “ My Face is Numb and I need Medical  
8 attention and I can’t feel my Face” an Inmate named Jesus Gomez Jr. asked “ Why haven’t the  
9 medical Staff come and assisted this man and why are you ignoring this man’s pleas?” Mr.  
10 Gracia responded “ Its Non of your business and mind your own business” so Jesus Gomez Jr.  
11 also asked for a Grievance slip and sick Call to Give to Me on his behalf to give to Plaintiff and  
12 was also Denied., Clp Mr. Garcia said to all the Inmate “You all need stop whining and start  
13 takeing a bath “ and Plaintiff Responded “ We Do not have Hot water for three day and it is so  
14 Cold in here and you want us to Take a shower with cold water when it is so cold and freezing?  
15 And the we don’t receive hot food or water for three days in a row! No Hot water no Hot Food  
16 and Stale!” Clp Mr. Garica “ I don’t give a shit you need to start taking a bath” so Plaintiff  
17 brought situation to the Commander Lopez that Mr.Gracia was passing out medical supplies and  
18 that there was no fresh Food or Hot water and He wanted Plaintiff as many other inmates where  
19 subject to shower in Cold water and not eat fresh and healthy meals that where cold, and when  
20 the Commander Lopez came around to make his round, Plaintiff advised Commander Lopez  
21 Mr. Garcia was assigning medical attention to other inmates except Plaintiff and that he was  
22 being rude to all the Inmates and where usually cruel and Commander Lopez said “ Ill get on it”  
23 he turned and asked another Officer and the Officer’s response was “ We have been working on  
24 it but we can’t seem to get it going” So Plaintiff advised Commander Lopez that corporal  
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1 Graica was denying several Grievances slips and sick calls, and was further denying any  
2 Medical attention. Plaintiff attained several Grievances slips from other inmates attempting to  
3 get the medicinal attention plaintiff was inquiring about and Plaintiff Put the Said papers in a  
4 envelope and wrote " To Grievance Officer Only" and also wrote another " Medical Staff" or  
5 Sick Call" Plaintiff wrote no Name two both Department and was further denied any Medical ,  
6  
7 Plaintiff asked other Officers that where working on different employed shifts that if he can  
8 have a Grievance slip and sick Call and they would return on shift hour with said documents  
9 supplying Plaintiff with needed Medical Attention, who was a Sergeant who was well dress in  
10 Proper Person, Plaintiff around 2 days was without any medicinal attention and was finally  
11 transferred to the Medical Division and Plaintiff Brought Plaintiff's Numb and ill condition to  
12 Nurses staff and which they responded " Oh it will go away Just leave it" Plaintiff was Feeling  
13 so ill that Plaintiff couldn't eat and had head trauma from previous conditions and medicinal  
14 continued to refuse proper service and was not properly feed and delivered daily Meals,  
15 Plaintiff laid in Cell bed and attempted to take medication, but was unable due to previous  
16 medicinal conditions but was barely apt to take needed Medications, Plaintiff Laid down and  
17 Cell mates where Released which Jesus Gomez included one day prior to incident, as Plaintiff  
18 Laid down and was numb in several body part including but limited to legs and throat and hands  
19 but still Plaintiff Managed to Press Intercom button and No Response was given, Plaintiff  
20 pressed intercom second time and the only Response given at said time " Give off the Intercom  
21 its only for Emergencies Only" Plaintiff Continued to plea .. For medical attention.. "Nurse  
22 Nurse " after a hour or so, that is when Plaintiff heard Officers came and gave medical  
23 Supplication to several Inmates needed or required and releasing Inmate 5 and 3 and 2 included,  
24 Plaintiff was refused medical attention still further and proper medical supplication by Another  
25 Officers, on or about Approximately Hour or so Another Officer brought Insolent Medication  
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1 and Plaintiff caught the attention of officer the Officer looked in Plaintiff's Door and Couldn't  
2 see plaintiff and said "are you ok?" Plaintiff Pointed to Plaintiff's Chest, Officer Assumed that  
3 Plaintiff was having a Heart Attack and Officer said "can you Stand up?" and Plaintiff shook  
4 Plaintiff's head and saying No, Plaintiff Got his Cain and Leaned against the wall hopping to  
5 get to the Infirmary, Plaintiff in the Infirmary , Nurses Helped Plaintiff to lay down  
6 Immediately they called the Doctor to see Plaintiff and Doctor.. Ordered to for Plaintiff  
7 Transported Immediately to the Las Palms Medical Center. Plaintiff's at Arrival at Hospital ,  
8 Doctor Dr. Burgos at Las , assessed and analyzed with errors and Diagnosed several conditions  
9 including but no limited to hemiparesis, brain function inabilities and Dysphagia, Plaintiff was  
10 transferred to another unknown room to be further assessed and analyzed Plaintiffs and ill  
11 conditions, Detention Officer Rene O. Alderete Badge # 3698 was employed with El Paso  
12 County Detention Division Department, Detention officer Rene O. Alderete Never Shackled  
13 Plaintiff hand or Feet when and during and the releasing of Plaintiff, and Plaintiff was  
14 Transported back to the County and was still unshackled for unknown reasons, Plaintiff  
15 Observed doctors coming and giving him Catheters because Plaintiff was had condition that  
16 disabled his ability to urinate and was further treated for such Condition, Plaintiff further  
17 assessed and diagnosed with Pre-Anesthesia and further faulty conditions of Illness and made it  
18 difficult for Plaintiff to eat such as also included hiatus hernia. Plaintiff was further supplied  
19 with a Gastrointestinal Tract to eat that goes into the stomach region, after such Treat , Plaintiff  
20 was Transferred to the Franklin Heights Nursing & Rehabilitation Center, in Las Palms, Officer  
21 Victor M. Anchieta Badge # 2690 would likewise take off the Belts and which included  
22 X26Lazer as Officer Banuelos Jesus Badge # 3165 who would further Fall asleep on duty, and  
23 Playing with Electronic Devices and when occasionally take the deadly weapon and put it in  
24 waste level Clothing and Go to the Restroom and would leave Duty Belt on bed unsupervised  
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1 Leaving X26 Lazer gun behind and Plaintiff Observed all this and During all this Plaintiff was  
2 Never Shackled. During Shifts Change another officer being Officer Alderete Rene badge  
3 Number # 3698 would during duty fall asleep and leave duty belt unattended and unsupervised  
4 and putting Plaintiff at risk and Plaintiff was not shackled and staff members leaving a deadly  
5 weapon unsupervised and he would come in and do likewise on occasion and Plaintiff Said “  
6 why do you abuse the Authority Given to you” and Officer Responded “ Because we can and  
7 we can do what we want” and continued on with is work and would continually fall in Deep  
8 Sleep, and when Medical staff would enter the room they would wake up immediately and  
9 resume duties as if where in Proper Person, still leaving duty belt unattended and further  
10 unsupervised, now another Officer Named Jesus J. Banuelos badge # 3165 , Plaintiff Observed  
11 Officer actually at night shift through 11:00pm until next shift would be enacted, during his  
12 shift He would take off his Duty belt and fall on sleep where Official Hours and further  
13 neglected to Supervise Plaintiff like Previous Officers following thus, and following conduct of  
14 Previous officers and would sleep in close proximity to Plaintiff and endangering himself  
15 during official duty and Hours and further, During his Shift he would showed indifference  
16 toward plaintiff by harassing kitchen staff to neglect and discard attempts to eat and a head  
17 Nurse came and said “ Who ordered this for him to eat out the a plastic Form Cup” and Plaintiff  
18 said” This Officer told Beverly to talk and to correct it that the metal Fork or Plastic and I can’t  
19 do anything without a fork metal or otherwise” Beverly showed conscience indifference by  
20 bringing and mistreating plaintiff in such condition and position. Beverly took Plaintiff back to  
21 bed and wheeled Plaintiff back .. Plaintiff Asked “what are you doing?” and Officer Faced the  
22 Window and responded “ I am texting for My Release “ and Plaintiff “ Why overriding and  
23 Abusing the Authority Given to you.. you fall asleep while on you Job? And Duty? You are  
24 abusing Tax Payer money and you left me 180 feet and your neglect your Authority”  
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1 Every time a Nurses or other Officers came, The Officer would turn people against Plaintiff and  
2 in bad faith spoke against Plaintiff to entice other officers and Hospitals Staff against him after  
3 Plaintiff's Release going back to the county, Officers didn't shackle you don't at all upon  
4 plaintiff arrive April 5 2013 , Plaintiff requested Properly slip and the officer , Corporal  
5 Aberalto Gracica and when the officer came back and said " Came back and said are you  
6 aright?" Plaintiff said " Do I look alright to you after you didn't look after medical needs?"  
7 Plaintiff Further advised Corporal Abertlo Gracia that He wanted all his Property and requesting  
8 All His Property, Corporal left with that property and did not come back for about an Hour and  
9 Half, Plaintiff Said' What do you mean? I had my Bible and my sick calls , gervience letters,  
10 my Personal stuff " and Corporal said " You don't have no property " and plaintiff said "You  
11 still of your custody and you haven't given me my property" Plaintiff waited for next shift ,, and  
12 Officer of the next shift , Looked for Plaintiff's property and said" I can't find your Property"  
13 and Plaintiff said " someone must of destroyed it.. Plaintiff later filled out another property slip  
14 and Another officer Tried to find out his property and " Mr. Reyes we can't find your property"  
15 they took him back upstairs and said " I don't know what's going on but ill give you a  
16 grievance" so Alberto Garcia said Not to help Plaintiff in anyway or they would get in trouble,  
17 Officer Left and Plaintiff minded his own business, April the eight 2013 , the Judge at his  
18 appearing , and Pleded no Contest, and Plaintiff explained to Judge about his Situation., they  
19 advised plaintiff they where going to take me to put him in Franklin Height rehabilitation  
20 center, april the 8<sup>th</sup> left without any property and a van came and took Plaintiff to Rehabilitation  
21 center, where Plaintiff stayed for a month, Plaintiff was later released and went home where  
22 plaintiff further therapy, when Plaintiff was well Plaintiff came to the county, Plaintiff walked  
23 and spoke to internal Affairs Detective Rebecca and said" Ill take a lie detector to prove that  
24 everything I am saying is True" Rebecca showed indifference toward plaintiff and did not  
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properly Investigate the situation and Plaintiff advised what happened” saying they where very corrupted and neglected all their authority” after the Invesgation, she said “ Mr. Reyes you have history of metal illness, and have conditions,” and Plaintiff said “ It doesn’t’ matter what I have It does give you right to neglect my medical needs? Are you a doctor or internal Affairs? Why do care more my medical then the officer misconduct” and Rebecca said to Plaintiff “if your that upset take them to court,” Rebecca showed conscience indifference toward Plaintiff , after such a time, Plaintiff would further contact Officer Rebecca but Rebecca further ignored plaintiff. Plaintiff further advised officers that plaintiff was going take them to court.

### **COUNT I**

#### **(42 U.S.C. § 1983; Deterring, Suppressing, or breaching freedom of speech)**

20. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 19 above and incorporates the same as if set forth in full.

21. Plaintiff’s First Amendment was Suppressed while in the Custody of Officer, Corporal Adalberto Garcia and Jesus J. Banuelos badge # 3165 & Corporal Adalberto Garcia, where he would suppress Plaintiff’s Right to Redress Plaintiff’s Grievance and slip calls and Freedom of Expression and Request for Medical Assistance.

22. As a further direct result of the conduct of Defendants as set forth in this Count, Plaintiff has suffered odium, emotional distress including but not limited to, frustration, anger, and anxiety, all to his injury in the amount of \$250,000.00.

WHEREFORE Plaintiff prays for Punitive and General Damages against the Defendants jointly and severally.

### **COUNT II**

#### **(42 U.S.C. § 1983; Unusually cruelty punishment inflicted )**

24. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 22 above and incorporates the same

Plaintiff and Numerous other inmates Pursuant to Practice and Policy and Custom was forced to eat Cold Food and To Show in Cold Water, and where Plaintiff's right of Being Treated without Unusual or Cruel Punishments inflicted was Violated enumerated as the Eight Amendment and Further was inflicted

25. committed pursuant to a custom, practice or policy.

26. As a further direct result of the conduct of Defendants as set forth in this Count, Plaintiff has suffered odium, emotional distress including but not limited to, frustration, anger, and anxiety, all to his injury in the amount of \$250,000.00.

WHEREFORE Plaintiff prays for Punitive and General Damages against the Defendants jointly and severally.

**COUNT III**  
**(42 U.S.C. § 1983-Denied Equal Opportunity of Grievance)**

28. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 26 above and incorporates the same as if set forth in full said acts were committed pursuant to a custom practice or policy.

29. Corporal Adalberto Garcia, where he would suppress Plaintiff's Right to Redress Plaintiff's Grievance and slip calls and Freedom of Expression and Request for Medical Assistance.

30. As a further direct result of the conduct of Defendants as set forth in this Count, Plaintiff has suffered odium, emotional distress including but not limited to, frustration, anger, and anxiety, all to his injury in the amount of \$50,000.00.

WHEREFORE Plaintiff prays for Punitive and General Damages against the Defendants jointly and severally.

**COUNT IV**  
**(42 U.S.C. § 1983; Denied equal protection under the law)**

32. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 51 above and incorporates the same as if set forth in full.

33. Defendant(s) Jesus J. Banuelos badge # 3165 & Rene O. Alderete Badge # 3698 & Victor M. Anchieta Badge # 2690 & Corporal Adalberto Garcia committed acts that clearly violated Plaintiff's Fourteenth Amendment rights and clearly established law. Further, said acts were committed pursuant to a custom ,practice or policy.

34. As a further direct result of the conduct of Defendants as set forth in this Count, Plaintiff has suffered odium, emotional distress including but not limited to, frustration, anger, and Anxiety, all to his injury in the amount of \$250,000.00.

WHEREFORE Plaintiff prays for Punitive and General Damages against the Defendants jointly and severally.

**COUNT V**  
**(Tort Claim- Negligence)**

36. 61. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 34 above and incorporates the same as if set forth in full.

37. Defendants have a legal and Moral Duty to prevent and refrain from conduct that deters, suppresses, or otherwise breaches Plaintiff's constitutionally protected rights and clearly established law regarding how public servants conduct themselves with respect to the people and citizens of these United States.

38. Because of the foregoing, Defendants were the actual and proximate cause of all injury suffered by Plaintiff and the Approximate Cause of Further Personal Injury to Plaintiff and previous Medical Condition and Direct Cause of Further deterioration of Health due to Tortious Negligence. \$50,000.00

WHEREFORE Plaintiff prays for Punitive and General Damages against the Defendants jointly and severally, for Tortious Negligence.

**COUNT VI**

**(Tort Claim- Intentional Infliction of Emotional and Mental Distress)**

66. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 65 above and incorporates the same as if set forth in full. \$50,000.00

67. These Defendant(s) In Bad Faith would Question and further Oppress Plaintiff In saying, "Its non of your business" or "Your Fine your Just Pretending" with such said statements

WHEREFORE Plaintiff prays for Compensatory and Punitive Damages against the Defendants jointly and severally, for the tort of Intentional Infliction of Mental Distress.

WHEREFORE, Plaintiff prays for relief against Defendants, and each of them, as follows:

**AS TO COUNT I-VI**

- a) For general damages against defendant(s) in their individual and or official capacities in the amount of \$ 3,000,000.00
- b) For punitive damages against the appropriate Defendants in the amount of \$ 1,000,000.00
- c) For compensatory damages against the appropriate Defendants in the amount of \$ 1,500,000.00

**AS TO COUNT 1-VI**

- d) For general damages against defendant(s) in the amount of \$3,000,000,000. or as allowed by law.
- e) For punitive damages in the amount allowed by law.
- f) Reasonable legal costs & fees, along with costs of suit; and,
- g) Such other relief as this Court may find to be just and proper.

**DEMAND FOR TRIAL BY JURY**

**Of my Peers**

**I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE  
AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

DATED this 11 day of February 2014



Original Signature

Juan Reyes Jr.

Anthony, Texas, 79903

P.O. Box # 5

*In Proper Person*